

# Senate Study Bill 1024

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC SAFETY BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act establishing a criminalistics laboratory surcharge and  
2 creating a criminalistics laboratory fund, making an  
3 appropriation of surcharge moneys, and making related changes.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1060DP 80  
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1 1 DIVISION I  
1 2 Section 1. Section 602.8108, Code 2003, is amended by  
1 3 adding the following new subsection:  
1 4 NEW SUBSECTION. 7. A criminalistics laboratory fund is  
1 5 created in the state treasury under the control of the  
1 6 department of public safety. The fund shall consist of  
1 7 appropriations made to the fund and transfers of interest,  
1 8 earnings, and moneys required to be collected for deposit in  
1 9 the fund, including moneys received from the criminalistics  
1 10 laboratory surcharge provided in section 911.3. All moneys in  
1 11 the fund are appropriated to the department of public safety  
1 12 for use by the department in criminalistics laboratory  
1 13 equipment purchasing, maintenance, depreciation, and training.  
1 14 Any balance in the fund on June 30 of any fiscal year shall  
1 15 not revert to any other fund of the state but shall remain  
1 16 available for the purposes described in this subsection.  
1 17 Sec. 2. Section 911.3, Code 2003, is amended by striking  
1 18 the section and inserting in lieu thereof the following:  
1 19 911.3 ADDITIONAL SURCHARGES.  
1 20 1. In addition to the surcharge assessed in section 911.2,  
1 21 the clerk of the district court shall assess the following  
1 22 surcharges when applicable:  
1 23 a. CRIMINALISTICS LABORATORY SURCHARGE. A surcharge equal  
1 24 to two percent of any fine or forfeiture imposed for a  
1 25 violation of any state law or city or county ordinance, except  
1 26 an ordinance regulating the parking of motor vehicles. The  
1 27 clerk shall remit all moneys received from the surcharge to  
1 28 the treasurer of state for deposit in the criminalistics  
1 29 laboratory fund as provided in section 602.8108, subsection 7.  
1 30 b. DRUG ABUSE RESISTANCE EDUCATION SURCHARGE. A surcharge  
1 31 in the amount of ten dollars if the violation arose out of a  
1 32 violation of an offense provided for in chapter 321J or  
1 33 chapter 124, division IV. The clerk shall remit all moneys  
1 34 received from the surcharge to the treasurer of state for  
1 35 deposit as provided in section 602.8108, subsection 3.  
2 1 c. LAW ENFORCEMENT INITIATIVE SURCHARGE. A surcharge in  
2 2 the amount of one hundred twenty-five dollars if an  
2 3 adjudication of guilt or a deferred judgment has been entered  
2 4 for a criminal violation under any of the following:  
2 5 (1) Chapter 124, 155A, 453B, 713, 714, 715A, or 716.  
2 6 (2) Section 719.8, 725.1, 725.2, or 725.3.  
2 7 The clerk shall remit all moneys received from the  
2 8 surcharge to the treasurer of state for deposit as provided in  
2 9 section 602.8108, subsection 4.  
2 10 2. The surcharges assessed in this section are subject to  
2 11 the provisions of chapter 909 governing the payment and  
2 12 collection of fines, as provided in section 909.8.  
2 13 DIVISION II  
2 14 Sec. 3. Section 331.302, subsection 2, Code 2003, is  
2 15 amended to read as follows:  
2 16 2. A county shall not provide a penalty in excess of a  
2 17 five hundred dollar fine or in excess of thirty days  
2 18 imprisonment for the violation of an ordinance. ~~The criminal~~  
~~2 19 penalty. A surcharge required by section 911.2 or 911.3 shall~~  
2 20 be added to a county fine and is not a part of the county's  
2 21 penalty.  
2 22 Sec. 4. Section 364.3, subsection 2, Code 2003, is amended

2 23 to read as follows:

2 24 2. A city shall not provide a penalty in excess of a five  
2 25 hundred dollar fine or in excess of thirty days imprisonment  
2 26 for the violation of an ordinance. An amount equal to ten  
2 27 percent of all fines collected by cities shall be deposited in  
2 28 the account established in section 602.8108. However, one  
2 29 hundred percent of all fines collected by a city pursuant to  
2 30 section 321.236, subsection 1, shall be retained by the city.  
2 31 ~~The criminal penalty~~ A surcharge required by section 911.2 or  
2 32 ~~911.3~~ shall be added to a city fine and is not a part of the  
2 33 city's penalty.

2 34 Sec. 5. Section 602.8102, subsection 135A, Code 2003, is  
2 35 amended to read as follows:

3 1 135A. Assess the ~~drug abuse resistance education surcharge~~  
3 2 ~~surcharges~~ as provided by section ~~911.2~~ 911.3.

3 3 Sec. 6. Section 602.8102, subsection 135B, Code 2003, is  
3 4 amended by striking the subsection.

3 5 Sec. 7. Section 602.8107, subsection 4, unnumbered  
3 6 paragraph 2, Code 2003, is amended to read as follows:

3 7 This subsection does not apply to amounts collected for  
3 8 victim restitution, the victim compensation fund, ~~criminal~~  
3 9 ~~penalty surcharge, law enforcement initiative surcharge a~~  
3 10 ~~surcharge collected pursuant to section 911.2 or 911.3,~~

3 11 amounts collected as a result of procedures initiated under  
3 12 subsection 5 or under section 421.17, subsection 25, or  
3 13 sheriff's room and board fees.

3 14 Sec. 8. Section 602.8108, subsection 2, Code 2003, is  
3 15 amended to read as follows:

3 16 2. Except as otherwise provided, the clerk of the district  
3 17 court shall report and submit to the state court  
3 18 administrator, not later than the fifteenth day of each month,  
3 19 the fines and fees received during the preceding calendar  
3 20 month. Except as otherwise provided in ~~subsections 4 and 5~~  
3 21 this section, the state court administrator shall deposit the  
3 22 amounts received with the treasurer of state for deposit in  
3 23 the general fund of the state. The state court administrator  
3 24 shall report to the legislative fiscal bureau within thirty  
3 25 days of the beginning of each fiscal quarter the amount  
3 26 received during the previous quarter in the account  
3 27 established under this section.

3 28 Sec. 9. Section 602.8108, subsection 3, paragraph c, Code  
3 29 2003, is amended to read as follows:

3 30 c. Notwithstanding provisions of this subsection to the  
3 31 contrary, all moneys collected from the drug abuse resistance  
3 32 education surcharge provided in section ~~911.2~~ 911.3 shall be  
3 33 remitted to the treasurer of state for deposit in the general  
3 34 fund of the state and the amount deposited is appropriated to  
3 35 the governor's office of drug control policy for use by the  
4 1 drug abuse resistance education program and other programs  
4 2 directed for a similar purpose.

4 3 Sec. 10. Section 805.8, subsection 1, Code 2003, is  
4 4 amended to read as follows:

4 5 1. APPLICATION. Except as otherwise indicated, violations  
4 6 of sections of the Code specified in sections 805.8A, 805.8B,  
4 7 and 805.8C are scheduled violations, and the scheduled fine  
4 8 for each of those violations is as provided in those sections,  
4 9 whether the violation is of state law or of a county or city  
4 10 ordinance. ~~The criminal penalty~~ A surcharge required by  
4 11 section 911.2 or 911.3 shall be added to the scheduled fine.

4 12 Sec. 11. Section 805.8C, subsection 3, paragraph a, Code  
4 13 2003, is amended to read as follows:

4 14 a. For violations of section 142B.6, the scheduled fine is  
4 15 twenty-five dollars, and is a civil penalty, and ~~the criminal~~  
4 16 ~~penalty~~ a surcharge under section 911.2 or 911.3 shall not be  
4 17 added to the penalty, and the court costs pursuant to section  
4 18 805.9, subsection 6, shall not be imposed. If the civil  
4 19 penalty assessed for a violation of section 142B.6 is not paid  
4 20 in a timely manner, a citation shall be issued for the  
4 21 violation in the manner provided in section 804.1. However, a  
4 22 person under age eighteen shall not be detained in a secure  
4 23 facility for failure to pay the civil penalty. The  
4 24 complainant shall not be charged a filing fee.

4 25 Sec. 12. Section 805.8C, subsection 3, paragraph c,  
4 26 unnumbered paragraph 1, Code 2003, is amended to read as  
4 27 follows:

4 28 For violations of section 453A.2, subsection 2, the  
4 29 scheduled fine is as follows and is a civil penalty, and ~~the~~  
4 30 ~~criminal penalty~~ a surcharge under section 911.2 or 911.3  
4 31 shall not be added to the penalty, and the court costs  
4 32 pursuant to section 805.9, subsection 6, shall not be imposed:

4 33 Sec. 13. Section 909.10, subsection 1, Code 2003, is

4 34 amended to read as follows:

4 35 1. As used in this section, unless the context otherwise  
5 1 requires, "delinquent amounts" means a fine, court-imposed  
5 2 court costs in a criminal proceeding, or ~~criminal~~ surcharge  
5 3 imposed pursuant to section 911.2 ~~or 911.3~~, which remains  
5 4 unpaid after two years from the date that the fine, court  
5 5 costs, or surcharge was imposed, and which is not collected by  
5 6 the county attorney pursuant to section 602.8107. However, if  
5 7 the fine may be paid in installments pursuant to section  
5 8 909.3, the fine is not a delinquent amount unless the  
5 9 installment remains unpaid after two years from the date the  
5 10 installment was due.

5 11 Sec. 14. Section 911.2, unnumbered paragraph 1, Code 2003,  
5 12 is amended to read as follows:

5 13 When a court imposes a fine or forfeiture for a violation  
5 14 of a state law, or of a city or county ordinance except an  
5 15 ordinance regulating the parking of motor vehicles, the court  
5 16 shall assess an additional penalty in the form of a surcharge  
5 17 equal to thirty percent of the fine or forfeiture imposed. ~~An~~  
~~5 18 additional drug abuse resistance education surcharge of ten~~  
~~5 19 dollars shall be assessed by the clerk of the district court~~  
~~5 20 if the violation arose out of a violation of an offense~~  
~~5 21 provided for in chapter 321J or chapter 124, division IV. In~~  
5 22 the event of multiple offenses, the surcharge shall be based  
5 23 upon the total amount of fines or forfeitures imposed for all  
5 24 offenses. When a fine or forfeiture is suspended in whole or  
5 25 in part, the surcharge shall be reduced in proportion to the  
5 26 amount suspended.

5 27 EXPLANATION

5 28 This bill establishes a criminalistics laboratory surcharge  
5 29 and creates a criminalistics laboratory fund.

5 30 DIVISION I. The bill provides that a criminalistics  
5 31 laboratory surcharge be assessed that is equal to 2 percent of  
5 32 any fine or forfeiture imposed for a violation of any state  
5 33 law or city or county ordinance, except a parking violation.  
5 34 The bill provides that a criminalistics laboratory surcharge  
5 35 be collected by the clerk of court and remitted to the  
6 1 treasurer of state for deposit in the criminalistics  
6 2 laboratory fund established in the state treasury.

6 3 The bill provides that the criminalistics laboratory fund  
6 4 be under the control of the department of public safety and  
6 5 that any moneys in the fund be appropriated to the department  
6 6 for criminalistics laboratory equipment purchase, maintenance,  
6 7 depreciation, and training.

6 8 DIVISION II. The bill combines the criminalistics  
6 9 laboratory surcharge into one Code section with most of the  
6 10 existing criminal surcharges in the Code, except the general  
6 11 criminal penalty surcharge. This division of the bill amends  
6 12 various Code sections to conform with combining the surcharges  
6 13 into one Code section.

6 14 LSB 1060DP 80

6 15 jm/sh/8